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5 Attorneys for Respondent
Deutsche Bank National Trust Company, as certificate trustee on behalf of Bosco Credit II Trust
6 Series 2010-1, its successors and assigns

7 UNITED STATES BANKRUPTCY COURT
8 DISTRICT OF NEVADA – LAS VEGAS DIVISION

9 In re:) CASE NO.: 18-13699-leb
10)
11 Sheryl Sims,) Chapter 13
12)
13) OBJECTION TO CONFIRMATION OF
14) DEBTORS' PLAN
15)
16) Hearing Date: 9/13/2018
17)
18) Hearing Time: 1:30 PM
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OBJECTION TO CHAPTER 13 PLAN

TO THE HONORABLE JUDGE LAUREL E. BABERO, UNITED STATES BANKRUPTCY
JUDGE, THE DEBTOR, HER ATTORNEY OF RECORD AND THE CHAPTER 13
TRUSTEE, KATHLEEN A. LEAVITT:

Deutsche Bank National Trust Company, as certificate trustee on behalf of Bosco Credit
II Trust Series 2010-1, (“**Creditor**”), a secured creditor of the above-named Debtor hereby
objects to the confirmation of Debtors’ Chapter 13 Plan (the “**Plan**”) on the grounds that the Plan
does not comply with the provisions of Chapter 13 of Title 11, United States Code, and with
other applicable provisions of said Title 11.

Secured Creditor is entitled to receive payments pursuant to a Promissory Note which
matures on 1/1/2021 and is secured by a Deed of Trust on the subject property commonly known
as 1848 North Decatur Blvd. Unit 203, Las Vegas, NV 89108. As of 6/24/2018, the amount due
to payoff the lien is \$11,561.06, as will be described in a Proof of Claim; Secured Creditor files
this Objection to protect its interests.

ARGUMENT

Under 11 U.S.C. §1325, the provisions for plan confirmation in a Chapter 13 have been
set. Unless otherwise ordered, under 11 U.S.C. § 1326(a)(1), the Debtor shall commence making
the payments proposed by the Plan within 30 days after the Petition is filed. The Plan must comply
with all applicable provisions of 11 U.S.C. § 1325 to be confirmed. Based on the foregoing, as
more fully detailed below, the Plan cannot be confirmed as proposed.

A. IMPERMISSIBLY MODIFIES SECURED CREDITOR’S RIGHTS

Under 11 U.S.C. §1322(b)(2), a Plan that modifies the rights of a creditor whose claim is
secured only by a security interest in real property that is impermissible. The proposed Plan
impermissibly modifies Secured Creditor’s lien. Secured Creditor is included in Section 4.6 of the
Plan with only direct payments being sent to Secured Creditor. However, the loan matures during
the pendency of the case. As such, Secured Creditor should be treated through the plan. Therefore,
the Plan is not feasible.

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2 **B. THE PLAN IS NOT FEASIBLE – DEBTOR HAS NOT COMMITTED ALL OF**
3 **THE NET INCOME TO THE PLAN**

4 Pursuant to Schedules I and J, Debtor has \$6,440.57 in net income. However, the
5 monthly Plan payment is only \$6,209.13. Debtor must be required to commit all of the net
6 income to the plan and adjust the plan to include Secured Creditor. Thus, the Plan is not
feasible.

7 **CONCLUSION**

8 Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the Objections
9 specified above in order to be reasonable and to comply with applicable provisions of the
10 Bankruptcy Code. Secured Creditor respectfully requests that confirmation of the Chapter 13 Plan
as proposed by the Debtor be denied.

11 WHEREFORE, Secured Creditor prays as follows:

- 12 1. That confirmation of the Proposed Chapter 13 Plan be denied,
13 2. For attorneys' fees and costs herein, and
14 For such other relief as this Court deems proper.

15 DATED: April 10, 2018 THE LAW OFFICES OF MICHELLE GHIDOTTI

16
17 By: /s/ Jennifer R. Bergh Esq.
18 Jennifer R. Bergh, Esq.
19 Attorney for Creditor Deutsche Bank
20 National Trust Company, as certificate
trustee on behalf of Bosco Credit II Trust
Series 2010-1
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23
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Attorney for Creditor

Deutsche Bank National Trust Company, as Certificate Trustee on Behalf of Bosco Credit II Trust Series 2010-1, its Successors and Assigns

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA – LAS VEGAS DIVISION

In Re:)	CASE NO.: 18-13699-leb
)	
SHERYL SIMS,)	CHAPTER 13
)	
Debtors.)	CERTIFICATE OF SERVICE
)	
)	
)	
)	
)	
)	
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)	

CERTIFICATE OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is: 1920 Old Tustin Ave., Santa Ana, CA 92705.

I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

On July 31, 2018 I served the following documents described as:

- OBJECTION TO CONFIRMATION OF DEBTORS' PLAN**

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

(Via United States Mail)

Debtor SHERYL SIMS 2653 SMOOTH BLEND PLACE HENDERSON, NV 89052 Debtor's Counsel CARRIE E. HURTIK 7866 W. SAHARA AVENUE LAS VEGAS, NV 89117	Debtor's Counsel KATHLEEN A. LEAVITT 201 LAS VEGAS BLVD., SO. #200 LAS VEGAS, NV 89101
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xx (By First Class Mail) At my business address, I placed such envelope for deposit with the United States Postal Service by placing them for collection and mailing on that date following ordinary business practices.

 Via Electronic Mail pursuant to the requirements of the Local Bankruptcy Rules of the Eastern District of California

xx (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 31, 2018 at Santa Ana, California

/s/ Jeremy Romero
 Jeremy Romero